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Docket No. 0756-1553

#50J Andt.  
M. Brunson  
7/3/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Toshimitsu KONUMA et al. )  
Serial No. 08/698,204 )  
Filed: August 14, 1996 )  
For: ELECTRO-OPTICAL DEVICE )

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with The United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on <u>6/11/02</u>
<u>[Signature]</u>

### AMENDMENT

Honorable Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated February 11, 2002 please amend the above-identified application as follows:

### IN THE CLAIMS:

Please cancel claims 43-44 and 50-55 without prejudice or disclaimer.

### REMARKS

The Official Action mailed February 11, 2002 has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time* which extends the shortened statutory period for response to June 11, 2002. Accordingly, Applicant respectfully submits that this response is being timely filed.

Applicants note with appreciation the consideration of the Information Disclosure Statements filed on July 10, 1997, October 3, 1997, May 16, 2000, June 14, 2000, and August 20, 2001. However, Applicants have not received an initialed Form PTO-1449 acknowledging the Information Disclosure Statements filed on February 10, 2000 and April 17, 2000. Therefore, it is respectfully requested that the Examiner evidence consideration of the above-mentioned Information Disclosure Statements by providing a copy of the initialed Form PTO-1449.

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Claims 13-15 and 18-60 were pending in the present application prior to this amendment and claims 23 and 47-49 are withdrawn from consideration. Claims 43-44 and 50-55 have been canceled and thus claims 13-15, 18-22, 24-42, 45-46 and 56-60 are now subject to examination in the present application. Claims 25, 30, 35, 40-42 and 56 are independent. Applicant notes with appreciation the allowance of claims 56-60. For the reasons set forth below all claims of the present application is believed to be in condition for allowance.

Paragraph 1 of the Official Action rejects claims 25-39 as obvious based on the combination of U.S. Patent No. 5,200,847 to Mawatari and U.S. Patent No. 5,278,682 to Niki. As stated in MPEP § 2143-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Independent claims 25, 35, 40, 42 and 56 recite that a sealing member encloses an active matrix circuit and a driver circuit, and further recite that an inlet for injecting liquid crystal is provided at a point at which no driver circuit is disposed. This feature is supported in at least Fig. 3.

The Official Action contends that a sealing member in Mawatari may optionally completely enclose the circuits. It is respectfully submitted, however, that Mawatari fails

to disclose that the sealing member encloses an active matrix circuit and a driver circuit as recited in claims 25 and 35. Furthermore, Niki fails to teach or suggest the driver circuit, so that invention recited in claims 25 and 35 of the present application cannot be obtained even if Mawatari and Niki are combined. Thus, since the prior art references, when combined, fail to teach or suggest all the claim limitations, it believed that a *prima facie* case of obviousness cannot be maintained and reconsideration is respectfully requested.

Also, since the sealing member of the present invention encloses the driver circuit and the active matrix circuit, claims 25 and 35 are very advantageous for reducing damage to the driver circuit due to static by providing the inlet at a point in which no driver circuit is disposed. On the other hand, Mawatari cannot obtain the advantage of the claimed invention even if the inlet port is provided at a point in which no driver circuit is disposed because Mawatari fails to teach that the sealing member encloses the driver circuit and the active matrix circuit. Therefore, there are significant unobvious advantages of the structure of the present invention that are sufficient to rebut any *prima facie* case of obviousness that could be made.

With reference to independent claims 30, 35, 41 and 42, these claims recite that an electrical connection between the driver circuit and an electrical element over an opposed substrate is established by a silver paste or an electrically conductive spacer. This feature is supported from page 15, line 18 to page 16, line 10 of the specification. The Official Action contends that the use of silver paste to connect the electrodes was conventional, and would have been obvious for that reason. Even if the broad use of silver paste to connect the electrodes is conventional, however, none of the cited references teaches that the electrical connection between the driver circuit and an electrical element over an opposed substrate is established by the silver paste or electrically conductive spacer. Therefore, it is respectfully submitted that these claims are further distinguished from the combination of Mawatari and Niki and favorable reconsideration is requested.

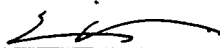
Paragraph 2 of the Official Action rejects claims 13-15, 18-22, 24-46, and 50-55 as obvious based on the combination of JP 1-49022 to Matsuo and Niki. Matsuo fails to provide the inlet port at the sealing member. Instead, Matsuo discloses the injecting

(inlet) port (14) on a counter substrate (10). To assist the Examiner in this regard, a full English translation of JP 1-049022 is submitted herewith and the Examiner is respectfully requested to consider this full English translation of JP 1-049022 together with the remarks herein. It is submitted that there is no motivation to provide the inlet port at the sealing member in Matsuo, and thus there is no motivation to combine Matsuo and Niki to achieve the present invention. Reconsideration is respectfully requested in view thereof.

The Official Action again contends that the use of silver paste to connect the electrodes was conventional, and would have been obvious for that reason. Even if the broad use of silver paste to connect the electrodes is conventional, however, none of the cited references teaches that the electrical connection between the driver circuit and an electrical element over an opposed substrate is established by silver paste or electrically conductive spacer as recited in independent claims 30, 35, 41 and 42. Accordingly, these claims are believed to be allowable for this further reason.

For all of the above reasons, the present application is believed to be in condition for allowance and favorable reconsideration is respectfully requested. Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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